

## **REMARKS**

Applicant thanks Examiner Olsen for the courtesies extended in the interview with Applicant's attorney on March 11, 2004. Claims 1-9, 11-17, and 20-22 remain pending in this application. This paper amends claims 8, 9, 14-17, and 20-22. Claims 10, 18 and 19 are cancelled without prejudice or disclaimer.

### **CLAIM REJECTIONS**

The P.T.O. has rejected certain claims under 35 U.S.C. § 103. In response, applicant has made claim amendments for which support can be found as discussed below.

Support for claim 8 as amended can be found at least on claim 8 as originally filed. In addition, support for " electrophoretic separation of a sample" can be found at least on page 3, lines 30-31 [paragraph 0014],; support for "a metal foil coated with a conductive plastic layer wherein the cover means seals to the planar support means and, in conjunction with the planar support means, encloses the elongate strip" can be found at least on page 6 line 34-page 7 line 2 [paragraph 0043] and page 10 line 35-page 11 line 14 [paragraph 0054].

Support for claim 9 as amended can be found at least on claim 9 as originally filed. In addition, support for "metal foil" can be found at least on page 6 line 36-page 7 line 2 [paragraph 0043].

Support for claim 14 as amended can be found at least on claim 14 as originally filed. In addition, support for "a removable metal foil cover coated with a conductive plastic layer, wherein the cover seals to the planar support surface of the cassette shell and in conjunction with the planar support surface of the cassette shell, encloses the first medium" can be found at least

on page 6 line 35-page 7 line 2 [paragraph 0043] and page 10 line 34-page 11 line 14 [paragraph 0054].

Support for claim 15 as amended can be found at least on claim 15 as originally filed. In addition, support for "the removable metal foil cover" can be found at least page 10, line 34 to page 11, line 7 [paragraph 0054].

Support for claim 16 as amended can be found at least on claim 16 as originally filed. In addition, support for "the removable metal foil cover" can be found at least page 10, line 34 to page 11, line 7 [paragraph 0054].

Support for claim 17 as amended can be found at least on claim 17 as originally filed. In addition, support for "the removable metal foil cover" can be found at least page 10, line 34 to page 11, line 7 [paragraph 0054].

Support for claim 20 as amended can be found at least on claim 20 as originally filed. In addition, support for "a removable, metal foil cover coated with a conductive plastic layer, wherein the cover seals to the planar support surface of the cassette shell and encloses the first medium in conjunction with the planar support surface of the cassette" can be found at least on page 6 line 35-page 7 line 2 [paragraph 0043] and page 10 line 35-page 11 line 14 [paragraph 0054].

Support for claim 21 as amended can be found at least on claim 21 as originally filed. In addition, support for "a removable, metal foil cover coated with a conductive plastic layer, wherein the cover seals to the planar surface and, in conjunction with the planar support surface of the cassette shell, encloses the first medium" can be found at least on page 6 line 35-page 7 line 2 [paragraph 0043] and page 10 line 35-page 11 line 14 [paragraph 0054].

Support for claim 22 as amended can be found at least on claim 22 as originally filed. In addition, support for "a removable metal foil cover coated with a conductive plastic layer, wherein the cover seals to the planar support surface of the cassette shell, and the cover, in conjunction with the planar surface, encloses the first medium" can be found at least on page 6 line 35-page 7 line 2 [paragraph 0043] and page 10 line 35-page 11 line 14 [paragraph 0054].

#### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The P.T.O. has rejected claims 8, 11-16 and 20-22 under 35 U.S.C. § 103(a) as unpatentable over Hochstrasser in view of Mandle. Applicant respectfully requests reconsideration of the rejection, because the claims are not obvious over Hochstrasser and Mandle in view of the claims as presently amended. To establish a prima facie case for obviousness, the P.T.O. must show that all claim limitations are taught or suggested. M.P.E.P. § 2143.03; In re Royka, 180 USPQ 580 (CCPA 1974); In re Wilson, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging the patentability of that claim against the prior art.").

In the present Office Action, the P.T.O. asserts that claims 8, 11-16 and 20-22 are anticipated or rendered obvious by the teachings of Hochstrasser, and that it would have been obvious to combine the teachings of Hochstrasser and Mandle to reach the present claims. However, neither Hochstrasser nor Mandle alone or in combination teach a cover comprising a metal foil coated with a conductive plastic layer wherein the cover seals to the planar support means and, in conjunction with the planar support means, encloses the elongate strip. In particular, as discussed during the interview of March 11, 2004, the cited art does not recite a cover sealed to a planar support. Applicant, therefore believes that claims 8, 11-16 and 20-22, as

amended, are not obvious with respect to the cited art, and respectfully requests that the rejections of claims 8, 11-16 and 20-22 under 35 USC 103 be withdrawn.

In the present Office Action, the P.T.O. rejects claims 9, 10, and 17-19 as unpatentable over Hochstrasser in view of Mandle as applied to claims 8 and 14, and in further view of Tocci. Applicant respectfully traverses this rejection in view of the present amendments, because none of the cited references, either alone or in combination, teach a cover comprising a metal foil coated with a conductive plastic layer wherein the cover seals to the planar support means and, in conjunction with the planar support means, encloses the elongate strip. Amended claims 9 and 17, therefore, are not obvious with respect to the cited art. In addition, claims 10, 18 and 19 are cancelled in this paper without prejudice or disclaimer. Applicant respectfully requests that the rejections of claims 9, 10 and 17-19 under 35 USC 103 be withdrawn.

In the present Office Action, the P.T.O. rejects claim 19 as unpatentable over Hochstrasser, Mandle and Tocci. The cancellation of claim 19 without prejudice or disclaimer obviates this rejection, and Applicant respectfully requests its withdrawal .

#### ALLOWABLE SUBJECT MATTER

Applicant acknowledges the P.T.O.'s reasons for allowing claims 1-7 as set forth in the previous office action.

#### RESPONSE TO ARGUMENTS

Applicant acknowledges the P.T.O.'s withdrawal of all previous claim and drawing objections and claim rejections under 35 U.S.C. § 112.

In the Office Action, the P.T.O. renews its assertions from the previous Office Action that Tocci and Hochstrasser both teach sealing a gel. Without conceding the merits of the arguments put

forth, Applicant believes such reasons for rejection are rendered moot in view of the present amendments to the claims, as discussed with the Examiner during the telephonic interview of March 11, 2004.

In the Office Action, the P.T.O. renews its assertions from the previous Office Action that a person of ordinary skill in the art would recognize that both Tocci and Hochstrasser teach the use of electrically conductive films. Without conceding the merits of this assertion, applicant believes this issue is also rendered moot in view of the present amendments to the claims.

In the Office Action, the P.T.O. the P.T.O. asserts that arguments based on the failure of Hochstrasser to teach a gas impermeable film are rendered moot in view of the teachings of Mandle. Without conceding the merits of this assertion, applicant believes this issue is also rendered moot in view of the present amendments to the claims.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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